

Matthew Franklin Jaksa (CA State Bar No. 248072)  
HOLME ROBERTS & OWEN LLP  
560 Mission Street, 25<sup>th</sup> Floor  
San Francisco, CA 94105-2994  
Telephone: (415) 268-2000  
Facsimile: (415) 268-1999  
Email: matt.jaksa@hro.com

Attorneys for Plaintiffs,  
ELEKTRA ENTERTAINMENT GROUP  
INC.; CAPITOL RECORDS, INC.;  
PRIORITY RECORDS LLC; UMG  
RECORDINGS, INC.; SONY BMG  
MUSIC ENTERTAINMENT; and BMG  
MUSIC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ELEKTRA ENTERTAINMENT GROUP INC.,  
a Delaware corporation; CAPITOL RECORDS,  
INC., a Delaware corporation; PRIORITY  
RECORDS LLC, a California limited liability  
company; UMG RECORDINGS, INC., a  
Delaware corporation; SONY BMG MUSIC  
ENTERTAINMENT, a Delaware general  
partnership; and BMG MUSIC, a New York  
general partnership,

Plaintiffs,

v.

JEROME TULIO,

Defendant.

CASE NO. C 07-03553 EMC

Honorable Edward M. Chen

***EX PARTE* APPLICATION TO CONTINUE  
CASE MANAGEMENT CONFERENCE  
AND [PROPOSED] ORDER**

Plaintiffs hereby request that the Court continue the case management conference currently set for October 17, 2007, at 1:30 p.m. to January 16, 2008. Defendant was served with the Summons and Complaint in this matter on July 23, 2007. The parties, through their respective counsel, then stipulated to extend the time to respond to the Complaint until September 4, 2007. Defendant has not answered or otherwise responded to the Complaint. However, the parties have been in communication regarding settlement, and Plaintiffs now believe that this case has settled. The parties are now in the process of finalizing the settlement documents, and will file dispositional documents as soon as they are completed. In the light of the foregoing circumstances, a case management conference is not necessary at this time. Plaintiffs therefore respectfully request that the Court continue the case management conference currently set for October 17, 2007, at 1:30 p.m. to January 16, 2008.

DATED: October 10, 2007

HOLME ROBERTS & OWEN LLP

By: /s/ Matthew Franklin Jaksa  
Matthew Franklin Jaksa  
Attorney for Plaintiffs

### **ORDER**

Good cause having been shown:

**IT IS ORDERED** that the case management conference currently scheduled for October 17, 2007, at 1:30 p.m. to January 16, 2008.

Dated: \_\_\_\_\_

By; \_\_\_\_\_  
Honorable Edward M. Chen  
United States Magistrate Judge

**PROOF OF SERVICE**

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am employed in the office of Holme Roberts & Owen in San Francisco, California. I am over the age of eighteen years and not a party to the within action. My business address is 560 Mission Street, 25th Floor, San Francisco, CA 94105.

On October 10, 2007, I served the foregoing documents described as:

**EX PARTE APPLICATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND  
[PROPOSED] ORDER**

on the interested party in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

**Michael Guta, Esq.  
Law Offices of John E Hill  
8105 Edgewater Drive, Ste. 100  
Oakland, CA 94621**

**Jerome Tulio  
120 Bayview Drive  
South San Francisco, CA 94080**

XX BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

XX (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on October 10, 2007 at San Francisco, California.



Molly Morris